

APPEAL NO. 040662
FILED MAY 17, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was scheduled for January 21, 2004, but reset to and held on February 17, 2004. The record was closed on March 3, 2004. The hearing officer resolved the disputed issue by deciding that the appellant's (claimant) injury sustained on _____, does not extend to include bilateral degenerative osteoarthritis and moderate changes of chondromalacia patella of the knees. The claimant appealed, arguing that the medical evidence established a causal relationship between the conditions alleged and the claimant's compensable injury of _____. The respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury in the form of a lateral meniscus tear of the left knee and a tear of the posterior horn of the medial meniscus of the right knee on _____. At issue was whether the compensable injury extended to include bilateral degenerative osteoarthritis and moderate changes of chondromalacia patella of the knees. Conflicting evidence was presented with regard to the extent of the claimant's compensable injury. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. This is equally true regarding medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286, 290 (Tex. App.-Houston [14th Dist.] 1984, no writ). Nothing in our review of the record indicates that the hearing officer's decision is so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**JG
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Margaret L. Turner
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Edward Vilano
Appeals Judge